

Steven L. Hill

Oregon State Bar No. 933190
Email: steve@stevhilllaw.com
Hill Law Office
310 S.E. 2nd, Suite 200
Pendleton, OR 97801
Telephone: (541) 276-2911
Facsimile: (541) 276-2912
Attorney for Plaintiff

UNITED STATES DISTRICT COURT
DISTRICT OF OREGON
PENDLETON DIVISION

JAHMALL S. BERNADEL,

Plaintiff,

v.

**SAMEER COURIER AND CARGO
SERVICES, LLC, a Washington
Corporation,**

Defendant.

Case No.:

COMPLAINT

Negligence: Personal Injury And
Property Damage Action
(28 U.S.C. § 1332)

DEMAND FOR JURY TRIAL

Plaintiff Jahmall S. Bernadel alleges as follows:

1.

Plaintiff is a resident of the state of New York and Defendant Sameer Courier and Cargo Services, LLC is a Washington limited liability company with its principal office in Vancouver, Washington. Plaintiff's claims are subject to the jurisdiction of this court. There is a complete diversity of citizenship of the parties to this case and the amount in

controversy, without interest and costs, exceeds the sum or value specified by 28 USC Section 1332(a).

2.

On or about December 27, 2020, Sekou Sumaworo was driving a tractor trailer rig eastbound on Interstate 84 in Baker County, Oregon when he lost control of his tractor trailer rig, came to a stop blocking both eastbound lanes of the highway and caused a collision with a Volkswagen Passat driven by the Plaintiff ("the collision"). The collision caused Plaintiff to suffer serious injury and property damage, as described in more detail below.

3.

As a direct result of the collision, Plaintiff suffered a right mandibular fracture, left hand fracture, discoloration of the lower abdomen and injury to his head, chest, back and left wrist. The injury to Plaintiff's fractured mandible was repaired surgically, including the removal of three teeth. Plaintiff will require future surgical procedures to remove pins from his injured mandible and address discoloration of his abdomen. The abdominal procedure will leave a scar. All of Plaintiff's collision-related injuries are permanent.

4.

The collision and Plaintiff's injuries suffered as a result of the collision were caused in whole or substantial part by Mr. Sumaworo's negligence in one or more of the following ways:

- (a) Failure to maintain a proper lookout;
- (b) Failure to maintain proper control over his vehicle;

- (c) Traveling at a speed that was excessive given the conditions existing at the time and place of the collision; and
- (d) Failure to warn other motorists of his disabled vehicle's presence by setting out flares or activating hazard lights or other lights on the tractor trailer rig within a reasonable time after his tractor-trailer rig came to a rest.

5.

At the time of the collision, the tractor trailer rig driven by Mr. Sumaworo included a tractor that was owned by the Defendant and an empty trailer that was owned by Amazon Logistics, Inc.

6.

As a direct result of Mr. Sumaworo's negligence, Plaintiff has incurred and will incur economic damages as follows:

- (a) Past medical expense in the approximate amount of \$60,000;
- (b) Lost income in the approximate amount of \$3,000;
- (c) Future medical expense in the estimated amount of \$15,000;
- (d) Travel-related expense in the approximate amount of \$1,000;
- (e) Medical mileage expense in the approximate amount of \$500; and
- (f) Property damage involving Plaintiff's totaled vehicle, including its actual cash value at the time of the collision together with towing, storage and "loss of use" damages in the estimated amount of \$20,000.

7.

As a direct result of Mr. Sumaworo's negligence, Plaintiff has suffered and will in the future suffer noneconomic damages for pain, suffering and limitation of motion and activities in an amount not to exceed \$250,000.

8.

Mr. Sumaworo's negligence that is described above created an unreasonable risk of foreseeable harm to Plaintiff and other motorists.

9.

At all times material to this action, Mr. Sumaworo was an employee of the Defendant who was acting in the course and scope of this employment at the time of the collision. For this reason, Defendant is vicariously liable for the negligence of Mr. Sumarworo that is described above.

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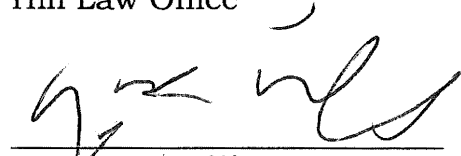
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WHEREFORE, Plaintiff prays for a judgment against the Defendant as follows:

- (a) Economic damages in the amount of \$99,500;
- (b) Noneconomic damages in an amount not to exceed \$250,000;
- (c) Plaintiff's costs and disbursements incurred in this action; and
- (d) All other relief that this Court deems just and proper.

DATED this 3rd day of December, 2021.

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steve@stevhilllaw.com

Attorney for Plaintiff